

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

RONALD STEVEN MYERS and	)	
GEORGE MYERS,	)	
	)	
Plaintiffs,	)	
	)	No. 3:11-CV-380
v.	)	(CAMPBELL/GUYTON)
	)	
THE PEOPLES BANK OF EWING,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the referral of the District Judge. Now before the Court are Renewed Motion to Deem Matters Established (re George Myers) [Doc. 167] and Renewed Motion to Deem Matters Established (re Ronald Steven Myers) [Doc. 169].

These motions were filed on November 25, 2013. On December 5, 2013, the Clerk of Court sent notice that the Court would hear oral arguments on the Motions to Deem Matters Established at 10:00 a.m. on January 17, 2014.

Pursuant to Local Rule 7.1 and the applicable provisions of the Federal Rules of Civil Procedure, the Plaintiffs had fourteen (14) days, plus three (3) days, following the filing of the motions to respond in opposition. On December 22, 2013, the Plaintiffs moved for additional time to respond to the motions, and counsel for the Defendant represented that the Defendant would not oppose this request. [Doc. 171]. On December 26, 2013, the Court entered an Order [Doc. 172] granting the Plaintiffs' request for extension and allowing the Plaintiffs up to and including January 10, 2014, in which to respond to the Motions to Deem Matters Established. The Plaintiffs did not file a response in opposition to the Motions to Deem Matters Established

on or before January 10, 2014. The Court could have granted the motions on this basis alone.  
See E.D. Tenn. L.R. 7.2.

However, the Court convened the hearing on January 17, 2014 at 10:00 a.m., to hear the parties' positions on the motions and to address scheduling matters in this case. Plaintiffs' counsel was not present when the hearing was set to commence at 10:00 a.m. The Courtroom Deputy attempted to contact counsel for the Plaintiffs via telephone, and the Court waited until 10:15 a.m. to begin the hearing. Nonetheless, counsel for the Plaintiffs failed to appear. The Court's electronic records reflect that Plaintiffs' counsel received notice of this hearing via email at 10:37 a.m. on December 5, 2013, approximately five weeks prior to the hearing date. The notice of this hearing also appeared in the docket sheet in CM/ECF at the time Plaintiffs' counsel filed his Motion for Extension of Time [Doc. 171].

Based upon the foregoing, the Court finds that the Renewed Motion to Deem Matters Established (re George Myers) [**Doc. 167**] and Renewed Motion to Deem Matters Established (re Ronald Steven Myers) [**Doc. 169**] are **UNOPPOSED**. The Court finds that these motions are well-taken, and they are **GRANTED**. George Myers's responses to Requests for Admissions Nos. 1, 2, 7, 8, 9, 13, 14, 15, 16, 17, 18, and 21 are **STRICKEN**, and these Requests for Admissions are **DEEMED ADMITTED**. Ronald Steven Myers's responses to Requests for Admissions Nos. 9, 10, 13, 15, 16, and 23 are **STRICKEN**, and these Requests for Admissions are **DEEMED ADMITTED**.

**IT IS SO ORDERED.**

ENTER:

/s H. Bruce Guyton  
United States Magistrate Judge

